

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL FIORITO,

Petitioner,

v.

WARDEN,

Respondent.

No. 2:23-cv-3054 WBS AC P

ORDER

Petitioner, a federal prisoner proceeding pro se, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 4, 2025, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. ECF No. 16. Neither party filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis.

Accordingly, IT IS HEREBY ORDERED that:


1. The findings and recommendations (ECF No. 16) are adopted;

2. Respondent's motion to dismiss the petition as moot or unexhausted (ECF No. 7) is denied;

3. The writ of habeas corpus pursuant to 28 U.S.C. § 2241 (ECF No. 1) is denied; and

4. The Clerk of the Court is directed to close this case.

Dated: October 2, 2025



WILLIAM B. SHUBB

UNITED STATES DISTRICT JUDGE